

AMENDED IN ASSEMBLY APRIL 12, 2012

**SENATE BILL**

**No. 518**

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**Introduced by Senator ~~Simitian~~ Lowenthal**

February 17, 2011

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~~An act to amend Sections 14501 and 14551 of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling. An act to add Section 60902 to the Education Code, relating to pupil data.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as amended, ~~Simitian~~ Lowenthal. ~~Recycling: beverage containers. Pupil data: California Longitudinal Pupil Achievement Data System Advisory Committee.~~

Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System. Existing law requires the State Department of Education to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data, known as CALPADS.

This bill would require the Superintendent of Public Instruction to establish a California Longitudinal Pupil Achievement Data System Advisory Committee to advise and provide recommendations to the Governor, the Superintendent, the State Board of Education, and the Legislature on matters relating to CALPADS, as specified. The bill would require the advisory committee to consist of 23 members, as specified, and to be cochaired by the president of the state board and the Superintendent, or their respective designees. The bill would provide that advisory committee members shall serve without compensation or reimbursement for travel or any other costs associated with service on

*the advisory committee. The bill would require the advisory committee to report its recommendations regarding CALPADS to the Governor, the Legislature, the Superintendent, and the state board by January 1, 2014.*

~~Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to establish reporting periods of 6 months each for redemption rates and recycling rates for specified types of beverage containers. The act also requires the department to determine the redemption rates and recycling rates for those beverage containers for each reporting period and to issue a report on those determinations. The act defines various words for purposes of those provisions, including “redemption rate.” The act also makes various findings and declarations, including a declaration that, when the redemption rate for any one type of beverage container falls below 65%, the act provides for an increased refund value.~~

~~This bill would delete the provisions that require the department to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers. The bill also would delete the definition of redemption rate and make other conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 60902 is added to the Education Code,*
- 2     *to read:*
- 3     *60902. (a) The Superintendent shall establish a California*
- 4     *Longitudinal Pupil Achievement Data System Advisory Committee*
- 5     *to advise and provide recommendations to the Governor, the*
- 6     *Superintendent, the state board, and the Legislature on all of the*
- 7     *following:*
- 8         *(1) The ability of CALPADS to serve local, state, and federal*
- 9         *pupil data needs and compliance.*
- 10        *(2) The steps necessary to expand CALPADS to create a*
- 11        *comprehensive data system that tracks progress from preschool*
- 12        *through postsecondary education and employment.*

1     (3) A review of CALPADS' objectives, usefulness, long-term  
2 implications, and compatibility with increasingly applicable federal  
3 requirements.

4     (4) If and how CALPADS has been useful to pupils and their  
5 families, including, but not limited to, providing increased  
6 eligibility for, and access to, pupil services such as free and  
7 reduced-price lunches and pupil record transfers.

8     (5) If and how CALPADS does or will save local educational  
9 agencies and the state time and money and result in higher quality  
10 pupil data.

11     (b) The advisory committee shall consist of 23 members, as  
12 follows:

13         (1) The Superintendent, or his or her designee, shall be an ex  
14 officio member.

15         (2) The president of the state board, or his or her designee, shall  
16 be an ex officio member.

17         (3) Seven members shall be appointed by the Superintendent.  
18 The members appointed by the Superintendent shall include, but  
19 are not limited to, a department employee, a certificated teacher,  
20 a school district or county office of education administrator, and  
21 a researcher with experience using state, county, school district,  
22 and pupil data.

23         (4) Six members shall be appointed by the state board. The  
24 members appointed by the state board shall include, but are not  
25 limited to, a researcher with experience using state, county, school  
26 district, and pupil data, and a representative from the California  
27 Technology Agency.

28         (5) Four members shall be appointed by the Speaker of the  
29 Assembly. The members appointed by the Speaker of the Assembly,  
30 to the greatest extent possible, shall include, but are not limited  
31 to, a parent and a certificated teacher.

32         (6) Four members shall be appointed by the Senate Committee  
33 on Rules. The members appointed by the Senate Committee on  
34 Rules, to the greatest extent possible, shall include a parent, a  
35 certificated teacher, a school district or county office of education  
36 administrator, and a researcher with experience using state,  
37 county, school district, and pupil data.

38     (c) The advisory committee shall be cochaired by the president  
39 of the state board and the Superintendent, or their respective  
40 designees.

1 (d) Members of the advisory committee shall serve without  
2 compensation. Members of the advisory committee shall not be  
3 reimbursed for travel or any other costs associated with serving  
4 on the advisory committee.

5 (e) Members appointed pursuant to subdivision (b) shall include  
6 representatives of each of the stakeholder groups necessary to  
7 consider the future of pupil data collection and the usefulness of  
8 the data and system on a local, state, and federal level, including,  
9 but not limited to, parents, teachers, school administrators,  
10 researchers, the department, and the California Technology  
11 Agency.

12 (f) On or before January 1, 2014, the advisory committee shall  
13 report its recommendations developed pursuant to subdivision (a)  
14 to the Governor, the Legislature, the Superintendent, and the state  
15 board.

16 (g) For purposes of this section, "CALPADS" means the  
17 California Longitudinal Pupil Achievement Data System developed  
18 pursuant to Section 60900.

19 ~~SECTION 1. Section 14501 of the Public Resources Code is~~  
20 ~~amended to read:~~

21 ~~14501. The Legislature finds and declares as follows:~~

22 (a) ~~Experience in this state and others demonstrates that financial~~  
23 ~~incentives and convenient return systems ensure the efficient and~~  
24 ~~large-scale recycling of beverage containers. Accordingly, it is the~~  
25 ~~intent of the Legislature to encourage increased, and more~~  
26 ~~convenient, beverage container redemption opportunities for all~~  
27 ~~consumers. These redemption opportunities shall consist of dealer~~  
28 ~~and other shopping center locations, independent and industry~~  
29 ~~operated recycling centers, curbside programs, nonprofit dropoff~~  
30 ~~programs, and other recycling systems that assure all consumers,~~  
31 ~~in every region of the state, the opportunity to return beverage~~  
32 ~~containers conveniently, efficiently, and economically.~~

33 (b) ~~California grocery, beer, soft drink, container manufacturing,~~  
34 ~~labor, agricultural, consumer, environmental, government, citizen,~~  
35 ~~recreational, taxpayer, and recycling groups have joined together~~  
36 ~~in calling for an innovative program to generate large-scale~~  
37 ~~redemption and recycling of beverage containers.~~

38 (c) ~~This division establishes a beverage container recycling goal~~  
39 ~~of 80 percent.~~

1     ~~(d) It is the intent of the Legislature to ensure that every~~  
2     ~~container type proves its own recyclability.~~

3     ~~(e) It is the intent of the Legislature to make redemption and~~  
4     ~~recycling convenient to consumers, and the Legislature hereby~~  
5     ~~urges cities and counties, when exercising their zoning authority,~~  
6     ~~to act favorably on the siting of multimaterial recycling centers,~~  
7     ~~reverse vending machines, mobile recycling units, or other types~~  
8     ~~of recycling opportunities, as necessary for consumer convenience,~~  
9     ~~and the overall success of litter abatement and beverage container~~  
10    ~~recycling in the state.~~

11    ~~(f) The purpose of this division is to create and maintain a~~  
12    ~~marketplace where it is profitable to establish sufficient recycling~~  
13    ~~centers and locations to provide consumers with convenient~~  
14    ~~recycling opportunities through the establishment of minimum~~  
15    ~~refund values and processing fees and, through the proper~~  
16    ~~application of these elements, to enhance the profitability of~~  
17    ~~recycling centers, recycling locations, and other beverage container~~  
18    ~~recycling programs.~~

19    ~~(g) The responsibility to provide convenient, efficient, and~~  
20    ~~economical redemption opportunities rests jointly with~~  
21    ~~manufacturers, distributors, dealers, recyclers, processors, and the~~  
22    ~~Department of Resources Recycling and Recovery.~~

23    ~~(h) It is the intent of the Legislature, in enacting this division,~~  
24    ~~that all empty beverage containers redeemed shall be recycled,~~  
25    ~~and that the responsibilities and regulations of the department shall~~  
26    ~~be determined and implemented in a manner which favors the~~  
27    ~~recycling of redeemed containers, as opposed to their disposal.~~

28    ~~(i) Nothing in this division shall be interpreted as affecting the~~  
29    ~~current business practices of scrap dealers or recycling centers,~~  
30    ~~except that, to the extent they function as a recycling center or~~  
31    ~~processor, they shall do so in accordance with this division.~~

32    ~~(j) The program established by this division will contribute~~  
33    ~~significantly to the reduction of the beverage container component~~  
34    ~~of litter in this state.~~

35    ~~SEC. 2. Section 14523.5 of the Public Resources Code is~~  
36    ~~repealed.~~

37    ~~SEC. 3. Section 14551 of the Public Resources Code is~~  
38    ~~amended to read:~~

39    ~~14551. (a) The department shall establish reporting periods~~  
40    ~~for the reporting of recycling rates. Each reporting period shall be~~

1 ~~six months. The department shall determine all of the following~~  
2 ~~for each reporting period and shall issue a report on its~~  
3 ~~determinations, within 130 days of the end of each reporting period:~~

4 ~~(1) Sales of beverages in aluminum beverage containers, bimetal~~  
5 ~~beverage containers, glass beverage containers, plastic beverage~~  
6 ~~containers, and other beverage containers in this state, including~~  
7 ~~refillable beverage containers.~~

8 ~~(2) Returns for recycling, and returns not for recycling, of empty~~  
9 ~~aluminum beverage containers, bimetal beverage containers, glass~~  
10 ~~beverage containers, plastic beverage containers, and other~~  
11 ~~beverage containers in this state, including refillable beverage~~  
12 ~~containers returned to distributors pursuant to Section 14572.5.~~  
13 ~~These numbers shall be calculated using the average current~~  
14 ~~weights of beverage containers, as determined and reported by the~~  
15 ~~department.~~

16 ~~(3) An aluminum beverage container recycling rate, the~~  
17 ~~numerator of which shall be the number of empty aluminum~~  
18 ~~beverage containers returned for recycling, including refillable~~  
19 ~~aluminum beverage containers, and the denominator of which shall~~  
20 ~~be the number of aluminum beverage containers sold in this state.~~

21 ~~(4) A bimetal beverage container recycling rate, the numerator~~  
22 ~~of which shall be the number of empty bimetal containers returned~~  
23 ~~for recycling, including refillable bimetal beverage containers, and~~  
24 ~~the denominator of which shall be the number of bimetal beverage~~  
25 ~~containers sold in this state.~~

26 ~~(5) A glass beverage container recycling rate, the numerator of~~  
27 ~~which shall be the number of empty glass beverage containers~~  
28 ~~returned for recycling, including refillable glass beverage~~  
29 ~~containers, and the denominator of which shall be the number of~~  
30 ~~glass beverage containers sold in this state.~~

31 ~~(6) A plastic beverage container recycling rate, the numerator~~  
32 ~~of which shall be the number of empty plastic beverage containers~~  
33 ~~returned for recycling, including refillable plastic beverage~~  
34 ~~containers, and the denominator of which shall be the number of~~  
35 ~~plastic beverage containers sold in this state.~~

36 ~~(7) A recycling rate for other beverage containers, the numerator~~  
37 ~~of which shall be the number of empty beverage containers other~~  
38 ~~than those containers specified in paragraphs (1) to (6), inclusive;~~  
39 ~~returned for recycling, and the denominator of which shall be the~~

1 ~~number of beverage containers, other than those containers~~  
2 ~~specified in paragraphs (1) to (6), inclusive, sold in this state.~~

3 ~~(8) The department may define categories of other beverage~~  
4 ~~containers, and report a recycling rate for each of those categories~~  
5 ~~of other beverage containers.~~

6 ~~(9) The volumes of materials collected from certified recycling~~  
7 ~~centers, by city or county, as requested by the city or county, if~~  
8 ~~the reporting is consistent with the procedures established pursuant~~  
9 ~~to Section 14554 to protect proprietary information.~~

10 ~~(b) The department shall determine the manner of collecting~~  
11 ~~the information for the reports specified in subdivision (a),~~  
12 ~~including establishing procedures, to protect any proprietary~~  
13 ~~information concerning the sales and purchases.~~